

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMAAL A. MCNEIL,

8:07CV143

Plaintiff,

v.

OMAHA, CITY OF, OMAHA
POLICE DEPARTMENT, T.
RINGHOFF, (Police Officer), and J.
WARNOCK, (Police Officer),

Defendants.

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion to Strike. (Filing No. [60](#).) In his Motion, Plaintiff seeks to strike, or withdraw, his Notice of Appeal and related filings. (*Id.*) It appears that Plaintiff also sought leave to voluntarily dismiss his appeal from the Eighth Circuit, which granted his request. (Filing No. [61](#).) As such, Plaintiff's Motion to Strike is moot.

To the extent Plaintiff seeks to avoid payment of the appellate filing fee by filing his Motion, that request is also denied. Pursuant to the Prison Litigation Reform Act ("PLRA"), an incarcerated civil appellant is required to pay the full amount of the \$455.00 filing fee by making monthly payments to the court, even if he or she is proceeding in forma pauperis. [28 U.S.C. § 1915\(b\)](#). Therefore, "[w]hen an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan." [Henderson v. Norris, 129 F.3d 481, 483 \(8th Cir. 1997\)](#) (internal citations omitted). Thus, once Plaintiff filed his Notice of Appeal, he became responsible for the appellate filing fee in this matter.

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Strike (filing no. [60](#)) is denied.

December 16, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge